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1	UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF CALIFORNIA		
3	SAN FRANCISCO DIVISION		
4			
5	WAYMO LLC,		
6	Plaintiff,		
7	vs. Case No.		
8	UBER TECHNOLOGIES, INC.; 3:17-cv-00939-WHA		
9	OTTOMOTTO LLC; OTTO TRUCKING,		
10	INC.,		
11	Defendants.		
12	/		
13			
14	HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY		
15			
16	VIDEOTAPED DEPOSITION OF CHELSEA BAILEY		
17	PALO ALTO, CALIFORNIA		
18	TUESDAY, AUGUST 1, 2017		
19			
20			
21	BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~		
22	CSR LICENSE NO. 9830		
23	JOB NO. 2668970		
24			
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1	sought legal counsel in terms of how to follow up on	17:06
2	the business' request to do diligence.	17:06
3	MR. TAKASHIMA: Okay.	17:06
4	Q Who initiated the the investigation of	17:06
5	Mr. Levandowski?	17:06
6	MS. ROBERTS: Objection; form.	17:06
7	And again, I'll caution you not to reveal	17:06
8	anything you learned from counsel.	17:06
9	THE WITNESS: Yeah, I believe the information	17:06
10	that you're requesting could be privileged.	17:06
11	MR. TAKASHIMA: Q. Did counsel	17:06
12	investi initiate the investigation of	17:06
13	Mr. Levandowski?	17:06
14	MS. ROBERTS: Objection; form and same	17:06
15	instruction.	17:07
16	THE WITNESS: I'm not at liberty to reveal	17:07
17	any advice I received from counsel.	17:07
18	MR. TAKASHIMA: Okay.	17:07
19	Q Did you initiate the investigation of	17:07
20	Mr. Levandowski?	17:07
21	MS. ROBERTS: Objection; form.	17:07
22	THE WITNESS: No. I received a request from	17:07
23	the business to diligence. And I reached out to	17:07
24	counsel seeking advice on how to action such a	17:07
25	request.	17:07
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1	A That's my understanding.	17:09
2	MR. TAKASHIMA: Counsel, is that your	17:09
3	instruction to the witness?	17:09
4	MS. ROBERTS: If the only way she knows the	17:09
5	answer is from communications with counsel, then yes.	17:09
6	MR. TAKASHIMA: Okay. Let's take a short	17:09
7	break.	17:09
8	THE VIDEOGRAPHER: Going off the record. The	17:09
9	time is 5:09 p.m.	17:09
10	(Recess taken.)	17:09
11	THE VIDEOGRAPHER: Back on the record. The	17:12
12	time is 5:58 p.m.	17:58
13	MS. ROBERTS: Counsel, before you start, I	17:58
14	think the the question right before the break,	17:58
15	which led to a privilege objection, was whether there	17:58
16	was an investigation of Anthony Levandowski.	17:58
17	If you want to ask it again, I will allow her	17:58
18	to answer yes or no. But the details of the	17:58
19	investigation, which I believe she only knows from	17:58
20	counsel, are privileged.	17:58
21	MR. TAKASHIMA: Q. After Mr. Levandowski	17:58
22	left Google, was there an investigation of	17:58
23	Mr. Levandowski?	17:58
24	A Yes.	17:58
25	Q When did the investigation begin?	17:58
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1	A Not that I'm aware of.	18:01
2	Q Okay. So the investigation of	18:01
3	Mr. Levandowski was the only one initiated in that	18:01
4	time period?	18:01
5	A To the best of my recollection, yes.	18:01
6	Q Okay. And why was Mr. Levandowski identified	18:01
7	for investigation?	18:01
8	MS. ROBERTS: I'm going to object to the	18:01
9	extent that calls for privileged information.	18:01
10	THE WITNESS: The only way that I'm aware of	18:01
11	that is via a privileged conversation.	18:01
12	MR. TAKASHIMA: Okay. So, Counsel, are you	18:01
13	going to instruct her not to	18:01
14	MS. ROBERTS: Yes, I'll instruct her not to	18:02
15	answer.	18:02
16	MR. TAKASHIMA: Q. Are you going to follow	18:02
17	your counsel's instruction?	18:02
18	A Yes, sir.	18:02
19	Q Who defined the scope of the investigation of	18:02
20	Mr. Levandowski?	18:02
21	MS. ROBERTS: You can identify the person, if	18:02
22	you know.	18:02
23	THE WITNESS: I'm not sure it would be	18:02
24	independent of one person in the way that I would be	18:02
25	aware of who might have been involved in that, as via	18:02
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1	a privileged conversation.	18:02
2	MR. TAKASHIMA: Q. So, is it your testimony	18:02
3	that you only know the scope of the investigation	18:02
4	sorry. Strike that.	18:02
5	Is it your testimony that you only know who	18:02
6	defined the scope of the investigation based on a	18:02
7	privileged conversation you had with counsel?	18:03
8	A Yes.	18:03
9	Q Okay. Who was that counsel?	18:03
10	A Andrew Price.	18:03
11	Q What is Mr. Price's job title?	18:03
12	A That is a great question. I'm not sure I'm	18:03
13	familiar with his specific title.	18:03
14	Q Is he employed by Google?	18:03
15	A Yes.	18:03
16	Q Okay. Is he employed by a specific group	18:03
17	within Google?	18:03
18	A I believe he works closely with ethics and	18:03
19	compliance.	18:03
20	Q Who does Mr. Price report to?	18:03
21	A Uncertain, yeah.	18:03
22	Q When the investigation of Mr. Levandowski	18:03
23	began, what was the scope of that investigation?	18:03
24	MS. ROBERTS: Again, I'm going to object.	18:03
25	I instruct you not to answer to the extent	18:03
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1	that calls for information that you only know from	18:03
2	counsel.	18:03
3	THE WITNESS: I only know because of a	18:04
4	privileged conversation with counsel.	18:04
5	MR. TAKASHIMA: Okay.	18:04
6	Q So, you're refusing to answer the question	18:04
7	based on privilege?	18:04
8	A Yes, sir.	18:04
9	Q Okay. What was the first step in the	18:04
10	investigation of Mr. Levandowski?	18:04
11	MS. ROBERTS: Objection; form.	18:04
12	And again, I'm going to to the extent this	18:04
13	is information you learned from counsel, I'll object	18:04
14	on the basis of privilege.	18:04
15	THE WITNESS: The investigation was at the	18:04
16	advice of counsel, and so that's privileged.	18:04
17	MR. TAKASHIMA: Q. So you're declining to	18:04
18	answer the question based on privilege, just to be	18:04
19	clear?	18:04
20	A Yes.	18:04
21	Q Okay. Thank you.	18:04
22	Who is Kristinn Gudjonsson?	18:04
23	A That is a hard last name to pronounce. I'm	18:05
24	impressed.	18:05
25	I believe he is I'm not entirely sure of	18:05
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1	substance of your discussions, have you ever discussed	18:24
2	with counsel the status of Mr. Levandowski's computer	18:24
3	workstation?	18:24
4	MS. ROBERTS: I think you can answer yes or	18:24
5	no.	18:24
6	THE WITNESS: Not that I recall.	18:24
7	MR. TAKASHIMA: Q. Did you ever discuss	18:24
8	Mr. Levandowski's computer workstation with	18:24
9	Mr. Gudjonsson?	18:24
10	A Not that I recall.	18:24
11	Q Did you ever discuss Mr. Levandowski's	18:24
12	computer workstation with Mr. Brown?	18:24
13	A No, nor do I recall who Mr. Brown is.	18:24
14	Q Do you recall providing Mr. Gudjonsson with a	18:24
15	REDACTED	18:24
16	A Yes.	18:24
17	Q Okay. Who generated that REDACTED	18:24
18	A That is a good question. I did, and I'm	18:24
19	trying to recall if I might have asked the business	18:25
20	leaders in the business for REDACTED	18:25
21	that Kristinn requested.	18:25
22	Q So, Mr. Gudjonsson requested REDACTED	18:25
23	REDACTED	18:25
24	A This is quite a conversation.	18:25
25	MS. ROBERTS: I'm going to caution you to	18:25
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1	if this calls for information from from counsel,	18:25
2	that I'll object as privileged.	18:25
3	THE WITNESS: Thank you.	18:25
4	I believe the information that you're	18:25
5	requesting is privileged.	18:25
6	MR. TAKASHIMA: Q. Let me restate my	18:25
7	question, just so we can be sure.	18:25
8	A Okay.	18:25
9	Q Did Mr. Gudjonsson ask you for REDACTED	18:25
10	with respect to Mr. Levandowski?	18:25
11	A The information you're requesting would	18:25
12	require me to draw on information that I'm aware of as	18:25
13	a result of privileged communication with counsel.	18:26
14	Q Are you aware of that information only	18:26
15	because of privileged communications with counsel?	18:26
16	A I believe so, yes.	18:26
17	MR. TAKASHIMA: Counsel, is is the witness	18:26
18	able to answer the question yes or no?	18:26
19	MS. ROBERTS: The question is is	18:26
20	MR. TAKASHIMA: Q. Did Mr. Gudjonsson ask	18:26
21	you for REDACTED with respect to	18:26
22	Mr. Levandowski?	18:26
23	MS. ROBERTS: Well, she said she well, can	18:26
24	we take a break to discuss?	18:26
25	MR. TAKASHIMA: Sure.	18:26
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1		THE VIDEOGRAPHER: Going off the record. The	e 18:26
2	time is	6:26 p.m.	18:26
3		(Recess taken.)	18:26
4		THE VIDEOGRAPHER: Back on the record. The	18:30
5	time is	6:30 p.m.	18:31
6		MR. TAKASHIMA: Okay.	18:31
7	Q	Did Mr. Gudjonsson ask you for REDACTED	18:31
8	REDACTED		18:31
9	А	Yes.	18:31
10	Q	Okay. Did he say why he wanted it?	18:31
11		MS. ROBERTS: To the extent that would revea	18:31
12	the con	tent of privileged communication, then I	18:31
13	instruc	t you not to answer.	18:31
14		THE WITNESS: Answering that question would	18:31
15	rely on	privileged information.	18:31
16		MR. TAKASHIMA: Okay.	18:31
17	Q	So you're not going to answer the question?	18:31
18	А	Correct.	18:31
19	Q	Okay. But REDACTED he requested	18:31
20	RED	ACTED in as part of the investigation;	18:31
21	correct	?	18:31
22	А	Yes, that's my understanding.	18:31
23	Q	Okay. REDACTED	18:31
24		MS. ROBERTS: Objection.	18:31
25		THE WITNESS: That's	18:31
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1	MS. ROBERTS: Instruct her not to answer on	18:31
2	the basis of privilege.	18:31
3	MR. TAKASHIMA: Okay.	18:31
4	Q What did you understand that Mr. Gudjonsson	18:32
5	was going to do with REDACTED	18:32
6	MS. ROBERTS: Again, to the extent your	18:32
7	understanding is based upon conversations with counsel	18:32
8	and advice of counsel, I instruct you not to answer.	18:32
9	THE WITNESS: That's privileged information.	18:32
10	MR. TAKASHIMA: Okay.	18:32
11	Q What did Mr. Gudjonsson do with REDACTED	18:32
12	REDACTED	18:32
13	A I'm not sure. I don't know.	18:32
14	Q Did you ask him?	18:32
15	A I didn't ask him what he was going to do with	18:32
16	it.	18:32
17	Q Did he tell you?	18:32
18	A I don't recall exactly. I'm not yep.	18:32
19	Q Did you direct Mr. Gudjonsson not to	18:32
20	investigate Mr. Levandowski's computer workstation?	18:33
21	A No.	18:33
22	MS. ROBERTS: Objection; form.	18:33
23	THE WITNESS: Not to the best of my	18:33
24	recollection.	18:33
25	MR. TAKASHIMA: Okay.	18:33
	Pag	ge 309

1 CERTIFICATE OF REPORTER 2. 3 I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly 4 sworn to tell the truth, the whole truth, and nothing 5 but the truth in the within-entitled cause; 6 7 That said deposition was taken in shorthand 8 by me, a disinterested person, at the time and place 9 therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by 10 11 computer, under my direction and supervision; 12 That before completion of the deposition, 13 review of the transcript [x] was [] was not 14 requested. If requested, any changes made by the 15 deponent (and provided to the reporter) during the 16 period allowed are appended hereto. 17 I further certify that I am not of counsel or 18 attorney for either or any of the parties to the said 19 deposition, nor in any way interested in the event of this cause, and that I am not related to any of the 2.0 21 parties thereto. Dated: 8/2/2017 2.2 23 24 ANDREA M. IGNACIO, 25 RPR, CRR, CCRR, CLR, CSR No. 9830 Page 323